

JOURNAL OF THE HOUSE.

Monday, May 19, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, Your material and spiritual blessings and gifts enable us to begin this new legislative workweek with a spirit of confidence, enthusiasm and hope. In Your goodness, help us to select the best legislative options and the most reasonable and fair choices in our decision-making actions. As elected leaders, inspire us to unite constituents and colleagues in a common search for peace, ethical standards in our communities and stability in our families, institutions and neighborhoods. In this era of violence against all people, from children to seniors, may we continue, as a society, to respect the dignity, rights and the eternal destiny of each individual person. Teach us to remain committed to our high political and religious ideals and goals.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

*Pledge of
allegiance.*

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Messrs. Binienda of Worcester, O'Day of West Boylston, Pedone of Worcester, Spellane of Worcester and Fresolo of Worcester) congratulating the Major Taylor Association, Inc. on the occasion of the unveiling of the Major Taylor Memorial Monument;

*Major Taylor
Monument.*

Resolutions (filed by Messrs. Binienda of Worcester, O'Day of West Boylston, Pedone of Worcester, Spellane of Worcester and Fresolo of Worcester) congratulating Quinsigamond Community College on its forty-fifth anniversary;

*Quinsigamond
Community
College.*

Resolutions (filed by Representatives Falzone of Saugus and Reinstein of Revere) congratulating William Juffre on the occasion of his one hundredth birthday;

*William
Juffre.*

Resolutions (filed by Messrs. Galvin of Canton and Kafka of Stoughton) congratulating David John Figueiredo of Boy Scout Troop 516 on earning the Eagle Scout Award;

*David John
Figueiredo.*

Resolutions (filed by Messrs. Kafka of Stoughton and Galvin of Canton) congratulating Robert B. Steinberg upon his elevation to the rank of Eagle Scout;

*Robert B.
Steinberg.*

Thomas L.
Grady.

Barbara
Banner.

Resolutions (filed by Mr. Linsky of Natick) congratulating Thomas L. Grady on the occasion of his ninetieth birthday; and

Resolutions (filed by Mr. Spellane of Worcester) commending Dr. Barbara Banner upon her retirement from UMass Memorial Health Care;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Barrows of Mansfield, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Bridges, repair.

A message from His Excellency the Governor recommending legislation relative to financing an accelerated structurally-deficient bridge improvement program (House, No. 4743), came from the Senate with the endorsement that it had non-concurred with the House in its reference to the committee on Transportation. The message bore the further endorsement that it had been referred, in non-concurrence to the committee on Bonding, Capital Expenditures and State Assets.

On motion of Mr. Flynn of Bridgewater, the House then receded from its reference and the message was referred, in concurrence to the committee on Bonding, Capital Expenditures and State Assets.

Bills

To maintain transition age requirements for students with disabilities (Senate, No. 286) (on a petition);

Providing for bicycle safety (Senate, No. 2573, amended in section 1, in line 5, by striking out the following: "on or before January 1, 2008", in line 9, by striking out the following: "no later than January 1, 2008", in section 5 (as printed), in line 62, by inserting after the word "bicycle" the word "safety" and by inserting after section 12 (as printed) the following section:

"SECTION 14. The course on bicycle safety to be developed by the municipal police training committee pursuant to section 116D of chapter 6 of the General Laws shall be established and implemented not later than January 1, 2009.") (on Senate, Nos. 1377, 1389 and 1414);

To improve augmentative and alternative communication opportunities for children with disabilities (Senate, No. 2692) (on Senate bill No. 278);

Relative to food allergy awareness in restaurants (Senate, No. 2701) (on Senate bill No. 136);

Authorizing the commissioner of Capital Asset Management and Maintenance to make certain conveyances in the city of Somerville (Senate, No. 2705) (on Senate bill, No. 2687) [Local Approval Received]; and

To establish collaborative drug therapy management (Senate, No. 2706) (on Senate bill No. 420);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Disabled
students.

Bicyclist
safety.

Disabled
children,
communications.

Food
allergies.

Somerville,
land.

Drug
therapy.

Bills

Designating a certain portion of sandy beach in the town of Winchester as the Senator Charles E. Shannon, Jr. Memorial Beach (Senate, No. 2475) (on a petition);

To designate certain bridges in the town of Millville as the John Dean Bridges (Senate, No. 2565) (on a petition);

Authorizing the city of Melrose to issue pension funding bonds or notes (Senate, No. 2602) (on a petition) [Local Approval Received]; and

Relative to the teaching of American Sign Language (Senate, No. 2698) (on Senate bill No. 374);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Daniel E. Bosley for legislation to expand the jurisdiction of the Adams Fire District located within the town of Adams. Under suspension of the rules, on motion of Mr. Fresolo of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Municipalities and Regional Government. Sent to the Senate for concurrence.

By Ms. Coakley-Rivera of Springfield, for the committee on Children, Families and Persons with Disabilities, asking to be discharged from further consideration of the Bill relative to the disclosure of information held by the Disabled Persons Protection Commission pursuant to General Laws chapter 19C (House, No. 937),— and recommending that the same be recommitted to the committee on Steering, Policy and Scheduling. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to the marketing of light cigarettes and the effect on public health (House, No. 2156);

Of the Bill relative to flavored cigarettes in the Commonwealth (House, No. 4576); and

Of the Bill to protect children from tobacco products packaged as blunt wraps (House, No. 4577);

And recommending that the same severally be referred to the House committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of certain House documents concerning environmental facilities, development

Charles E.
Shannon, Jr.
Memorial Beach.

John Dean
Bridges,
designation.

Melrose,
pension
funding.

Schools,
sign
language.

Adams Fire
District.

Disabled
Commission,
disclosures.

Light
cigarettes.

Flavored
cigarettes.

Tobacco
products.

Special
development
districts.

Special
development
districts.

districts and state-owned land (House, No. 4746), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, 159) of Lida E. Harkins and others relative to special development districts,— and recommending that the same be recommitted to the committee on Bonding, Capital Expenditures and State Assets.

Senior
citizen
centers.

By the same member, for the same committee, asking to be discharged from further consideration of the Order relative to authorizing the committee on Bonding, Capital Expenditures and State Assets to make an investigation and study of a certain House document concerning senior citizen centers (House, No. 4723),— and recommending that the same be recommitted to the committee on Bonding, Capital Expenditures and State Assets.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Bus stops,
illegal
parking

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to illegal parking in bus stops (House, No. 4314),— and recommending that the same be referred to the committee on Municipalities and Regional Government, with the amendment previously recommended by the committee on Ways and Means,— that the bill be amended by substitution of a bill with the same title (House, No. 4524),— pending. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the reference.

Mark
Stomski, retire-
ment.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill authorizing the city of Worcester to provide certain retirement and medical benefits to firefighter Mark S. Stomski (House, No. 4711) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Fresolo of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

Snow
vehicles,
study.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on House, No. 3549, an Order relative to authorizing the committee on Environment, Natural Resources and Agriculture to make an investigation and study of a certain House document numbered 3549 concerning the definition of “snow vehicles” (House, No. 4750).

Subsidized
housing, study.

By Mr. Honan of Boston, for the committee on Housing, on Senate, No. 759, an Order relative to authorizing the committee on Housing to make an investigation and study of a certain Senate document numbered 759 concerning subsidized housing (House, No. 4751).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further con-

sideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the Bill to develop a pilot program for unused prescription medication disposal (House, No. 2182) ought to pass [Cost: More than \$100,000.00]. Read; referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Prescription
drugs,
unused.

By Mr. Smizik of Brookline, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill authorizing the Department of Fish and Game to acquire a conservation restriction on land of the town of Hanson (House, No. 4740).

Hanson,
conservation
land.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the following bills ought to pass:

Relative to reserving beds in nursing homes for residents during certain leaves of absence (House, No. 607) [Cost: \$9,559,399.00]; and

Nursing
homes,
reserve beds.

Relative to the safeguarding and monitoring of prescription drugs (House, No. 4687) [Cost: \$4,000,000.00];

Prescription
drugs,
monitoring.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, that the following bills ought to pass:

Relative to medical malpractice liability of health professionals in emergency response (House, No. 1013);

Medical
malpractice.

Relative to speech-language pathologists (House, No. 2110);

Speech-language.

Relative to patient's rights (House, No. 2262);

Patients.

Relative to the voluntary closure of long term care facilities (House, No. 2267); and

Long term
care.

Relative to blood donation (House, No. 4547);

Blood
donations.

Veterans.

By Mr. Verga of Gloucester, for the committee on Veterans and Federal Affairs, on House, No. 3709, a Bill relative to veterans (House, No. 4752).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Deborah McNamara, an employee of the Department of Conservation and Recreation (see House, No. 4615), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Deborah
McNamara,
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 3 to 0. Sent to the Senate for concurrence.

Bill

enacted.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bills.

Bill
enacted.

The engrossed Bill establishing a sick leave bank for Marya Panzica, an employee of the Department of Mental Retardation (see House, No. 4924) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bills
enacted.

Engrossed bills
Further regulating municipal retiree health insurance in the town of Lanesborough (see House, No. 4060); and
Establishing a waterways dredge and maintenance program receipts reserved capital improvements fund in the town of Dennis (see House, No. 4108);
(Which severally originated in the House);
Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

Third
reading
bills.

House bills
Relative to the homeowners' residential tax exemption in the city of Boston (House, No. 4104); and
Exempting the position of deputy fire chief in the town of Hingham from the civil service law (House, No. 4496);
Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Tyringham,
elected
officials.

The House Bill relative to the retirement and health insurance of certain elected officials in the town of Tyringham (House, No. 4287) was read a third time.

The committee on Bills in the Third Reading reported asking to be discharged from further consideration of the bill; and the report was accepted.

Pending the question on passing the bill to be engrossed, Mr. Pignatelli of Lenox moved to amend it by substitution of a bill with the same title (House, No. 4755), which was read.

The amendment was adopted; and the substituted bill was passed to be engrossed. Sent to the Senate for concurrence.

Order.

Next
sitting.

On motion of Mr. DiMasi of Boston,—
Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

At twenty-six minutes before twelve o'clock noon, on motion of Ms. Rogeness of Longmeadow (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M., in an Informal Session.